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**OFFICE OF PETITIONS**

In re Application

Hoff et al.

Application No. 09/964,778

Filed: September 28, 2001

Patent No. 6,744,502

Issued: June 1, 2004

: DECISION ON APPLICATION  
: FOR  
: PATENT TERM ADJUSTMENT  
:  
:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed April 27, 2004. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred seventy-one (171) days to one hundred eighty (180) days.

The application for patent term adjustment under § 1.705(b) is **DISMISSED AS UNTIMELY FILED.**

Applicants are given **THIRTY (30) DAYS** to respond to this decision. No extensions of time will be granted under § 1.136.

On January 20, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is one hundred seventy-one (171) days. The instant request for correction of patent term adjustment was filed on April 27, 2004.

Pursuant to 37 C.F.R. § 1.704(b), applicants must file the request for reconsideration of the patent term adjustment no later than payment of the issue fee.

PALM records indicate that the issue fee payment was received in the Office on April 12, 2004. No filing of an application for patent term adjustment preceded the payment of the issue fee. The period for filing an application for patent term adjustment requesting reconsideration of the initial determination of patent term adjustment at the time of mailing of the notice of allowance ended April 12, 2004. Accordingly, it is appropriate to dismiss this petition as untimely filed.

In view thereof, the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one hundred seventy-one (171) days.

As the application issued into US Patent No. 6,744,502 on June 1, 2004, the file is being forwarded to Files Repository.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (703) 305-0272.



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